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09/578,672	05/25/2000	Cynthia A. Donovan	1112	7186

7590

12/11/2003

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EXAMINER

MIRZA, ADNAN M

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/578,672

Applicant(s)

DONOVAN ET AL.

Examiner

Adnan M Mirza

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 May 2000.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen (U.S. 6,330,605) and Kavner (U.S. 6,366,947).

As per claims 1,14 Christensen disclosed a method of processing a first request for web page, comprising: receiving the first request for the web page (col. 4, lines 60-67);

However Christensen did not go in details of transmitting at least one command to send a second request for the web page, and a first timestamp.

In the same field of endeavor Kavner disclosed the browser issues a GET <resource> request to the server with If-Modified-Since tag contains the date/time-stamp of the resource in the browser's cache (col. 4, lines 22-28).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the browser issues a GET <resource> request to the server with If-Modified-Since tag contains the date/time-stamp of the resource in the browser's cache as

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taught by Kavner in the method of Christensen to increase the availability of the services offered by the service provider and also alleviating time consuming activities.

3. As per claims 2,15 Christensen-Kavner disclosed wherein the transmitting step is responsive to an existence of a second timestamp received with the request (Kavner, col. 5, lines 38-43).

4. As per claim 3,16,28 Christensen-Kavner disclosed comprising the additional steps of: identifying a third timestamp; and responsive to the second timestamp received with the request, processing the request for the web page responsive to the second timestamp and the third timestamp (Kavner, col. 5, lines 38-43).

5. As per claims 4,17 Christensen-Kavner disclosed wherein the identifying the third timestamp step is responsive to a capacity of at least one selected from at least one server and a device coupled to the at least one server (Kavner, col. 9, lines 23-42).

6. As per claims 5,18 Christensen-Kavner disclosed incrementing at least one of a plurality of counters responsive to the first request (col. 13, lines 39-49).

7. As per claims 6,19 Christensen-Kavner wherein each of the plurality of counters corresponds to a range of time different from the other plurality of counters (Kavner, col. 9, lines 23-42).

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8. As per claims 7,20 Christensen-Kavner disclosed wherein the identifying the third timestamp step is additionally responsive to at least one of the plurality of counters (Kavner, col. 5, lines 38-43).

9. As per claims 8,21 Christensen-Kavner disclosed comprising the additional steps of receiving a notification of abandonment of at least one selected from the first request and the second request; and decrementing at least one of the plurality of counters (Christensen, col. 9, lines 39-56).

10. As per claims 9,10,22,23 Christensen-Kavner disclosed wherein the identifying the third timestamp step comprises sending a command to at least one selected from at least one server and a device coupled to the at least one server (Kavner, col. 9, lines 23-42).

11. As per claims 11,24 Christensen-Kavner disclosed wherein the transmitting step is responsive to a type of the first request (Christensen, col. 4, lines 60-67).

12. As per claims 12,25,30 Christensen-Kavner additionally comprising transmitting computer readable program code devices configured to cause a computer to send the second request responsive to the indicator transmitted (Christensen, col. 5, lines 36-43).

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13. As per claims 13,26,31 Christensen-Kavner disclosed wherein the computer readable program code devices configured to cause the computer to send the second request responsive to the indicator transmitted comprise at least one selected from a Java script and a Java applet (Christensen, col. 4, lines 27-39).

14. As per claim 27 Christensen-Kavner disclosed a user request router having an input coupled to an apparatus input operatively coupled for receiving the first request (Christensen, col. 4, lines 60-67), the user request router for providing at an output a signal responsive to the first request received at the user request router input (Kavner, col. 4, lines 22-28); and a cookie/applet generator having an input coupled to the user request router output for receiving the signal, the cookie/applet generator for providing a first output coupled to an apparatus output a first indicator of at least one time to send a second request for the web page (Christensen, col. 4, lines 43-56).

15. As per claim 29 Christensen-Kavner disclosed wherein the cookie/applet generator provides at a second output a third indicator of time corresponding to the first indicator of time, the apparatus additionally comprising: a stroke count storage for having an input coupled to the cookie/applet generator third output for receiving the third indicator of time (Christensen, col. 6, lines 3-14), the stroke count storage for storing the third indicator of time and a set of fourth indicators of time and for providing the third indicator of time and the set of fourth indicators of time at an input/output; and a cutoff timestamp calculator having an input operatively coupled for receiving an indicator of capacity (Christensen, col. 4, lines 1-14), the cutoff timestamp

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calculator for selecting and providing at an output a timestamp from the set of fourth indicators of time responsive to the capacity; and wherein the user request router additionally comprises a cutoff timestamp input coupled to the cutoff timestamp calculator output and the user request router provides the signal additionally responsive to the timestamp received at the cutoff timestamp input (Christensen, col. 9, lines 39-67).

Applicant's arguments are as follows:

16. Applicant argued that prior art did not disclose sending a command to send a subsequent request as claimed.

As to applicant's argument Kavner disclosed the browser issues a GET <resource> request to the server with If-Modified-Since tag contains the date/time-stamp of the resource in the browser's cache (col. 4, lines 22-28). One ordinary skill in the art at the time of the invention can interrupt "GET" as command to send a request If certain value changes.

17. Applicant argued that prior art did not disclose sending as indicator of the time to send the request as claimed.

As to applicant's argument Christensen disclosed when a PCC configuration change is pending, a PMM attempts to resolve the pending transaction by delivering cluster messages using the alert timer (col. 10, lines 48-51).

***Conclusion***

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

19. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (703)-305-4633.

20. The examiner can normally be reached on Monday to Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dharia Rupal can be reached on (703)-305-4003. The fax for this group is (703)-746-7239.



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21. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-746-7239 (For Status Inquiries, Informal or Draft Communications, please label

“PROPOSED” or “DRAFT”);

(703)-746-7239 (For Official Communications Intended for entry, please mark “EXPEDITED PROCEDURE”),

(703)-746-7238 (For After Final Communications).

22. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Any response to a final action should be mailed to:

BOX AF

Commissioner of Patents and Trademarks Washington, D.C.20231

Or faxed to:

Hand-delivered responses should be brought to 4<sup>th</sup> Floor Receptionist, Crystal Park II,  
2021 Crystal Drive, Arlington, VA 22202.

AM

Adnan Mirza

Examiner

  
**RUPAL DHARIA**  
**SUPERVISOR** **EXAMINER**